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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF ARIZONA**

14 In Re Ex Parte Application of Bayerische  
15 Motoren Werke AG,

16 Applicant.

17 for an Order Pursuant to 28 U.S.C. Section  
18 1782 Granting Leave to Obtain Discovery  
for Use in Foreign Proceeding

No. MC-22-0016-PHX-SPL

**APPLICANT'S STATUS REPORT**

20 Applicant Bayerische Motoren Werke Aktiengesellschaft (“BMW AG”) submits  
21 the following status report:

22 **STATUS OF BMW AG'S DISCOVERY REQUESTS**

23 BMW AG served document and deposition subpoenas pursuant to this Court's  
24 order on Microchip Technology Inc. (“Microchip”) on April 22, 2022. On May 5, 2022,  
25 Microchip requested an extension until May 20, 2022 to respond or otherwise object to  
26 BMW AG's subpoenas, to which BMW AG agreed.

27 On May 20, Microchip served objections to BMW AG's subpoenas but did not  
28 produce documents or provide a date certain for a deposition. Instead, Microchip stated

1 that it would not produce documents until a protective order in place and requested to  
2 meet and confer on the scope of the document requests and subpoena topics.

3 On May 24, 2022, BMW AG prepared a draft protective order, which it sent to  
4 Microchip's counsel. BMW AG also provided dates to Microchip's counsel for a meet  
5 and confer with availability from May 25 to May 30.

6 On June 2, 2022, BMW AG had a meet and confer with Microchip on the requested  
7 documents where BMW AG indicated that it's subpoena would be satisfied were  
8 Microchip to reproduce the same documents previously produced in the relevant ITC  
9 case. Counsel for Microchip responded positively, pending confirmation from Microchip.  
10 In addition, counsel for Microchip committed to circulating any redlines to the draft  
11 protective order circulated by BMW AG.

12 On June 16, 2022, Microchip sent its proposed edits to the draft protective order  
13 to BMW AG. BMW AG reviewed Microchip's proposed edits and accepted Microchip's  
14 edits.

15 On June 23, BMW AG prepared and circulated the final draft of the motion for  
16 entry of the PO and the agreed upon PO to Microchip. BMW AG requested review and  
17 entry of the PO on June 24.

18 On June 24, Microchip approved entry of the PO and BMW AG filed the motion  
19 to enter the PO.

20 On July 6, the Court denied BMW AG's motion for entry of the PO.

21 Since July 7, the parties have coordinated on a confidentiality agreement to discuss  
22 the mechanisms and logistics of Microchip's production of documents to BMW AG  
23 pursuant to such agreement.

24 On July 21, BMW AG and Microchip had a meet and confer to discuss BMW  
25 AG's document requests and priori is under a confidentiality agreement. BMW AG  
26 continues to coordinate with Microchip concerning Microchip's document production,  
27 and the parties continue to work together in good faith to resolve issues.

BMW AG is hopeful that the parties can resolve Microchip's objections without further Court intervention. In the meantime, BMW AG reserves its rights to a deposition and will discuss this further after Microchip has produced its documents. BMW AG will submit a sixth status report on August 12 to the Court with further updates.

5 DATED this 22nd day of July, 2022.

## COPPERSMITH BROCKELMAN PLC

By: s/ Marvin C. Ruth

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